

JEFFERSON COUNTY COMMISSIONERS
COURTHOUSE, BOX H
BOULDER, MT 59632
PHONE 406-225-4025
FAX 406-225-4148

KEN WEBER, CHAIR

CHUCK NOTBOHM

TOM LYTHGOE

**PROCEEDING OF THE BOARD OF COMMISSIONERS
COUNTY OF JEFFERSON, STATE OF MONTANA
March 4, 2008**

Present: Present: Commissioners Lythgoe and Weber; Tammy Johnson, Environomics; Cory Fitzgerald, Weed Board; Matt Johnson, County Attorney; Harold Stepper, County Planner; Jan Anderson, *Boulder Monitor/Jefferson County Courier*; Marilyn McCauley, Fair Board, Dave Kirsch

Absent: Commissioner Notbohm

REPORTS

Receipt of February Clerk and Recorder fees report.

CALENDAR REVIEW

- 3/05 Meet with Joe Carter and Joe Huskey - Whitehall - noon
Flood map scoping meeting - 3:30
- 3/06 Meet with Joe Carter and Flay Froman - noon
NAHN ground breaking - 6:00
- 3/07 Whitehall Community Center tour - 10:30

COMMISSION REPORTS

ZONING COMMISSION

Commissioner Lythgoe reported on the Zoning Commission meeting. No quorum was present. He was encouraged to try to get the other Commissioners to attend the next meeting.

CREBs MEETING

Commissioner Weber reported that he attended a CREBs presentation in Bozeman on the 28th. Mae Nan Ellingson spoke. CREBs are very difficult to get to work in Montana. They are set up to work for co-ops and utilities, but there is a way to make it work for city and county government. Most of the applicants aren't set up as we are, having a head start with the work

already done in Whitehall at the Golden Sunlight site. Most of our due diligence is completed. Tom Harrington is helping a lot to make that work. Terry Ross was also in attendance, and Commissioner Weber stated that he saw in the paper that the Town of Whitehall voted to continue to work with Matney-Franz.

TABLE TOP EXERCISE

Commissioner Weber reported that he attended the table top exercise for disaster mitigation. The scenario was a 6.8 earthquake hitting the Elkhorn Mountains at 7:45 a.m. and a school bus missing. There were table discussions and then group sharing. He feels that everyone learned a lot and it changed a lot of thought processes. Even though they all came up with some of the same ideas, each table had something distinctly different from all the other tables.

SOLID WASTE BOARD

Commissioner Weber reported that he attended the Solid Waste board meeting at 7:00 that night. It was a good meeting. They will start budget discussions in the next month or so. Working towards getting power to the Clancy site and the purchase of another semi are a couple items that they may be looking at.

CORRESPONDENCE

A letter from Patty regarding delinquent mobile home taxes to be struck from the tax rolls was presented. The mobiles have been moved or do not exist, and she has exhausted all means to collect the taxes on them. Information will be given to Matt who will draw up a resolution. The total to be struck from the rolls is \$25,146.68.

ITEMS FOR COMMISSIONERS ACTION OR REVIEW

DISCUSS AND DECIDE ON PAYMENT OF BACK TAXES ON LOT 148 OF ASPEN VALLEY RANCHES

Commissioner Weber read a letter from Rocky Mountain Title giving the background. The total owed is \$123.84 (including interest) for the 2005 taxes. Commissioner Lythgoe stated that if our Treasurer's office makes this kind of mistake, he doesn't see how we can pass it on to the new owner.

Matt stated that what he would hope would happen in the future is if the Treasurer gets a bounced check, they don't mark it taxes paid. Patty had requested that the County Attorney's office try to collect, but it was not a felony amount, so all they could do was write a letter. After a year of attempting to collect, they informed Patty that they were unsuccessful. At that point, Patty asked what they should do, and he told her to make sure it showed that the taxes weren't paid. During that time there was a sale, and Rocky Mountain Title could be out this money because if the landowner wants to come to them for the taxes, he thinks that they could be responsible even though truly he thinks the county made the mistake. What he has advised Patty to do from now on, his office can try to collect the money, but her office needs to make sure that it shows that the money has not been collected. Commissioner Weber asked if this is now going

March 4, 2008 minutes.wpd

to be standard practice, that Patty will not mark them paid until Matt's office is able to collect. Matt stated that if she follows his advice, it will be done that way. He stated that it was his suggestion that Rocky Mountain contact the Commission; he feels that this is one of those issues where the county probably should get involved and help out the situation, as it seems like a county mistake. Commissioner Weber asked that as it was probably our error as a county, it would be appropriate that we pay the taxes. Matt stated that it is unfortunate, and hopefully it won't take place again.

Commissioner Lythgoe stated that it seems to him that Patty should find this in her budget to pay for this; it always seems to come to the Commission to find the money in these instances. Matt stated that, not to speak for her, but she would probably lay the blame with his office as they didn't collect and didn't notify her that it wasn't collected. Commissioner Lythgoe stated that he can understand that, but the report that they were paid, and the title company being lead to believe that they were paid is a mistake of the Treasurer's office, and he feels that Patty should try to find this in her budget.

Commissioner Lythgoe moved to direct Patty to find the money in her budget to pay this. Commissioner Weber seconded. Matt stated that the County Attorney believes that the only recourse would be for the Commission to forgive the taxes. Commissioner Weber asked if they can do that before the five or ten years delinquent time period kicks in. Matt stated that this is where trying to find the money would be the issue and something that the Commission would have to decide. Commissioner Lythgoe asked if Matt is saying that they can forgive this and no one would have to pay anything. Matt stated no, it is more of rectifying the situation. Commissioner Weber is right, we can forgive this if we place it on hold for ten years, but he thinks that it is more of looking for a solution and asking the Commission to help rectify the situation. Commissioner Lythgoe asked Matt if he is suggesting that the Commission pay this amount. Matt stated that he is asking the Commission to do something to help in paying this. It would be the County Attorney's recommendation that the best outcome is to pay the money that the title company otherwise would be obligated to pay. The motion carried.

DISCUSS AND DECIDE ON FAIR BOARD REQUEST FOR PARK FUNDS

Commissioner Weber read letter of request from the fair board for half of the parkland funds received by the county. Marilyn McCauley stated that the board didn't put a date on that, as far as perpetual, etc., but felt that it would be better not to have to come back every year. At the last meeting, the two Commissioners in attendance didn't seem to be in favor of this being in perpetuity. They would request that they be given half of what is in the fund as of March 1. Harold Stepper, County Planner, stated that he talked to Bonnie before the last meeting. November 15, 2007, there was \$3,894.96 given to the fair grounds out of the park land fund. Right now, the account contains \$6,768.45. He stated that one of the things that statute does relate to concerning park grounds is that we can only use half of it for maintenance; the other half has to be used to purchase additional park ground. We don't need more, however. We do have a park in the north end. He doesn't have a problem with donating to the fair grounds, but he doesn't feel that this should be given in perpetuity. As they get the park land inventory completed, they may come up with specific parks for each community that some of this money could be utilized for to provide repair and upkeep. Commissioner Weber stated that we are

probably talking about \$1,700.

Commissioner Lythgoe asked what they are going to do with the money. Marilyn stated that at this point, it will go towards the carousel. Commissioner Lythgoe stated that the project will need a significant amount of money. Marilyn stated that the money previously given is still in their account, earmarked. Commissioner Lythgoe asked for a figure. Marilyn stated that they have an estimate of \$170,000, with a lot of in-kind donations. Commissioner Lythgoe stated that he has a little bit of a problem in giving anything to stick in their fund rather than our fund at the rate of \$1,700 a year, for a \$170,000 problem. What makes more sense to him is that the fair board looks for some grants, and we could provide match. This is a 20-year project at this rate. Marilyn stated that every little bit helps. Commissioner Lythgoe stated that he isn't sure that it does. It would be better to look for grant monies for the bulk of the costs and come to the county for match. Commissioner Weber stated that she mentioned cement, and asked if the plan is to get the pad first, then work on the walls, etc. Marilyn stated that they have it split into at least three phases – pad, roof, walls. They have enough money that they plan to break ground and do the pad this summer. She doesn't have the figures, but she thinks it is at least \$20,000. Commissioner Weber stated that with what the County gave last year and what we could give this year, would be about a quarter of the cost of the pad. Commissioner Lythgoe stated that they will still have to take down every year until they get it enclosed.

Harold stated that if this is going to be a public building, and asked if anyone has looked into architectural design on this. Marilyn stated that they have. Commissioner Weber stated that one thing they might want to look into is a grant from Preserve America – we have recently been designated a Preserve America community, and with the historic nature of the carousel, funds may be available from them.

Commissioner Lythgoe stated that there is work to be done on the park in the north end. Commissioner Weber asked if it would be considered park development. Harold stated that if we were to give \$1,700 to the fair board, it would leave a little over \$5,000 in the fund. It was noted that half of the entire amount of the fund is not available for maintenance; the \$1,700 left is all that is available for maintenance. Harold stated that one thing to keep in mind is that the last legislature did pass a bill that parkland could be considered on minor subdivisions. This could generate some money on minors, but we don't have to require it.

Commissioner Lythgoe stated that since we only have from \$1,200 to \$1,500 to spend on parks, and we haven't done anything on the north end park, he can't see how we can give more money to the fair board. Commissioner Lythgoe moved not to give any more money out of the parkland fund to the fair board at this time. Commissioner Weber seconded. The motion died, Commissioner Lythgoe voting aye and Commissioner Weber voted nay.

DISCUSSION ON NEW APPRAISAL OF COUNTY PROPERTY LOCATED IN THE J.H. EVANS ADDITION IN BOULDER

Matt Johnson, County Attorney, stated that the long-awaited appraisal of the property south of Boulder has been done. The outcome of that is that the lots sold together would appraise at \$35,000, selling the lots separately they would be appraised at between \$17,500 and \$20,000.

March 4, 2008 minutes.wpd

Basically, the second appraisal was at \$40,000 and this appraisal is \$35,000. He noted that there is no hurry to sell the property at this time, as there is currently no buyer. The price has been set, but he is unsure of the price that the Commission would offer this land for. They, as a Commission, have the ability to do this, as they have a new appraisal.

Commissioner Lythgoe asked, for clarification, this third appraisal came in for less than the second appraisal. Matt stated that this is correct; it came in for \$5,000 less, less the cost of the appraisal, which was \$2,500. He is also not sure if the appraisal committee has any costs that they will be submitting.

Commissioner Weber stated that the Commission voted previously that they would sell the property, pending the appraisal. He asked if there is any benefit to selling the lots separately. Matt stated that his understanding that one of the lots is split by a gas line easement, so it could be difficult to build on that lot.

Commissioner Lythgoe asked that originally we asked for an appraisal of one parcel. Matt stated that originally, the consideration was to trade the two lots together to one buyer. Commissioner Lythgoe asked if it cost extra money to divide this \$35,000 by two. Matt answered that it cost an extra \$500 for the appraiser to make a determination of what the two lots would be valued at separately versus together.

APPOINT BOARD MEMBERS

Commissioner Weber moved to appoint Ben Sautter to the Solid Waste Board. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to re-appoint Ed Hall, Bob Eide, Gerry Keogh, Paul Smith, and Dave Leitheiser to the Planning Board. Commissioner Lythgoe seconded. The motion carried.

Commissioner Weber moved to re-appoint Cathy DuBois to the Tax Appeal Board. Commissioner Lythgoe seconded. The motion carried.

DISCUSS AND DECIDE ON ENVIRONOMICS DRAFTING COMMENTS ON THE BEAVERHEAD-DEER LODGE FOREST PLAN AND/OR MONTANA TUNNELS DRAFT EIS

Tammy Johnson, Environomics, stated that she had posed the question to the Commission as to if they would like Environomics to draft comments regarding the Beaverhead-Deer Lodge Forest plan and/or the Montana Tunnels M-pit expansion Draft EIS. She stated that she has attempted to come up with an estimate, and it is very difficult to estimate, the forest plan revision comments. The Montana Tunnels comments will be pretty straight-forward. The forest plan comments will depend on the will of the Commission and on the depth of the comments the Commission would like. She estimates no more than 30 hours of research and 20 hours to complete the writing of the comments, and those will be comments; that would not, if the Commission desired to make an alternative proposal. That would probably require a little more in depth. Commissioner Lythgoe stated that he feels it appropriate that we do both of these items.

March 4, 2008 minutes.wpd

He thinks that it is great to comment, but it also makes sense to him, if we have some major suggestions of what we would like to see, i.e. roads, that it would be appropriate to do this. He noted that more and more people are coming to us, either a call or an e-mail, noting that more and more roads are being closed and that we are losing access. This particular plan calls for the closure of quite a few roads. He feels that it is important to comment, and to come up with some alternative suggestions. Tammy stated it certainly is one thing to say we aren't in agreement with road closures; it is another thing to make a recommendation with an alternative. Commissioner Weber stated that some of the things that he has been working on he will get to her. The Forest Service's planning doesn't incorporate our planning, and we have been getting that information to them.

Commissioner Weber explained to the audience that Environomics has submitted an estimate to develop comments regarding the Beaverhead-Deer Lodge Forest Plan of 30 hours of research and 20 hours of writing time, not to exceed \$4,000.00, based on the billable rates contained in the contract the Commission has with them. Also, for the Montana Tunnels comments, four hours of research and two hours of writing, not to exceed \$500. Commissioner Lythgoe noted that these are estimates, and could be under or go over. Commissioner Weber stated that Environomics noted that they will not go over the estimated amounts without first coming to the Commission.

Commissioner Lythgoe asked if there is anything that could or should be done regarding Golden Sunlight Mine; he knows that the permit has been issued. Commissioner Weber stated that we are waiting for their corporate office. We have been in contact with them, and are making those efforts to get them to decide to continue.

Commissioner Lythgoe moved to enter into an agreement with Environomics to move forward with comments on the Beaverhead-Deer Lodge Forest Plan and Montana Tunnels M-pit expansion, to be paid out of metal mines funds. Commissioner Weber seconded. The motion carried.

DISCUSS POSSIBLE OFFICE SPACE FOR PUBLIC ASSISTANCE OFFICE HOURS

Commissioner Lythgoe stated that this was discussed at the last Commission meeting. There is a group that is trying to get public assistance services back into Boulder. It may be a bit premature for us to designate a space. He feels that it will be difficult for them to get the state to reopen those offices, but feels it would be appropriate to write a letter of support. Commissioner Lythgoe asked if this is a chicken and egg type of situation; is it important that the County has a space for them to come to before they make the decision. Jan Anderson stated that she feels that if there is a commitment from the County that space will be available if they agree to come out, that would be sufficient for the state. They do have a meeting with Dave Morey the following week, and they may know more after that.

RESOLUTION 10-2008 RESOLUTION TO PLACE WEED MILLS ON THE JUNE BALLOT

Cory Fitzgerald, Weed Board Chair, stated that the weed mills are sun-setting this year. The Weed Board wants to extend mills and request one more. Commissioner Weber clarified that

they are asking for 3 mills for 4 years. Cory stated that the extra mill would support the cost-share program. He noted that the cost-share program has almost doubled in the last year. Commissioner Lythgoe stated that the ballot language doesn't specify that the extra mill will be used for the cost-share program. Commissioner Lythgoe stated that discussion at the Weed Board meeting was that the 3rd mill was to be used for non-compliance. He doesn't see that in the resolution. Commissioner Lythgoe stated that the language is not correct, and he thinks that they need to revisit this at the next meeting. Commissioner Weber stated that someone needs to direct Sam to get us a copy of the minutes of the meeting so that we can read what was said. We will also have Matt re-write the resolution.

RESOLUTION 11-2008 RESOLUTION TO PLACE BASIN IMPROVEMENT DISTRICT MILLS ON THE JUNE BALLOT

Commissioner Weber read the resolution as follows:

RESOLUTION 11-2008

**RESOLUTION TO PLACE BASIN IMPROVEMENT DISTRICT MILLS
ON THE JUNE BALLOT**

WHEREAS, §7-12-2158, MCA permits that if the special improvement fund of the district is not sufficient to meet the special improvement district budget, a levy may be made on the taxable value of all taxable property in the district for support of the special improvement district, and;

WHEREAS, the Basin Special Improvement District has requested that the governing body of Jefferson County place a special improvement district mill on the June 2008 primary election ballot to mill levy seven (7) mills, based on the estimated worth of one mill being \$133.00. The seven (7) mills totaling \$931.00 would be used

for maintaining the special improvement district for maintaining lighting on Basin Street, within Basin a community in Jefferson County as follows:

1. Payment of bills for lighting Basin Street located in Basin, Montana.
2. Provide for general operations and maintenance of the lighting district.

WHEREAS, statute provides for a non-durational or durational limit on a levy and the governing body of Jefferson County wishes for the proposed mill levy of seven (7) mills to be non-durational and continue for as long as the maintenance district continues.

NOW, THEREFORE, BE IT RESOLVED:

The Board of County Commissioners of Jefferson County, pursuant to §7-12-2158, MCA hereby declare a financial need to increase the mill levy to seven (7) mills for the Basin Special Improvement District for lighting Basin Street within Basin, Montana within Jefferson County and will place before the qualified electors the question as follows:

Basin Special Improvement District

The proposed ballot measure would increase tax liability for the 2008 tax year and for each tax year thereafter, in the amount of seven (7) mills so as to generate \$931.00 per year for the use of maintaining the special improvement district for lighting on Basin Street, within Basin a community in Jefferson County as follows:

- a. Payment of bills for lighting Basin Street located in Basin, Montana.
- b. Provide for general operations and maintenance of the lighting district.

The tax impact of the election of seven (7) mills on a residence with a market value of \$50,000 would be approximately \$6.95; \$100,000 would be approximately \$13.91; on a residence with a market value of \$200,000, the tax impact would be approximately \$27.91.

☐ FOR authorizing to maintain seven (7) mills for the Basin Special Improvement District yearly in addition to regular assessments;

☐ AGAINST authorizing to maintain seven (7) mills for the Basin Special Improvement District yearly in addition to regular assessments.

Done and dated this 4th day of March, 2008.

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER

Commissioner Weber moved to adopt the resolution. Commissioner Lythgoe seconded. The motion carried.

OPPORTUNITY FOR PUBLIC COMMENT

Dave Kirsch asked about the Solid Waste Department's interest in new semi. He noted that a semi will go thousands of miles without being replaced, and they seem to want to replace them as soon as the ash tray is dirty. How many miles on truck? Commissioner Weber stated that it is under 500,000. Dave asked what the new truck would have on it. Commissioner Weber stated that it wasn't really discussed; they were just putting out a wish list for the budget.

Commissioner Weber moved to adjourn. Commissioner Lythgoe seconded. The motion carried.

MEETING ADJOURNED

ATTEST:

**BONNIE RAMEY
CLERK AND RECORDER**

KEN WEBER, CHAIR

TOMAS E. LYTHGOE, COMMISSIONER

CHUCK NOTBOHM, COMMISSIONER